

Submission
No 237

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Name: Name suppressed

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Partially
Confidential

Submission on the Draft Animal Welfare Bill 2022

I am a member of Dogs NSW, Cats NSW and Animal Care Australia and have owned, bred and exhibited purebred dogs and cats for over 35 years and make this submission regarding the proposed Draft Animal Welfare Bill 2022.

Part 2: Interpretation

Section 10: Meaning of Exhibiting an Animal

The wording of section 10 is vague on the position of whether exhibiting an animal at a dog or cat show is caught under the proposed legislation. Section 10(1)(b) and 10(3)(c) refers to purposes prescribed by the regulations, which have not been provided in draft form or subject to community consultation. How can the Draft Bill be properly considered without considering the related Draft Regulations impact on the issue.

Without clarity on the status of the exhibition of dogs and cats under the definition of “exhibiting an animal” there is the likelihood that legislated changes will adversely impact the activities of agricultural shows, dog and cat shows and their related exhibitors which will have adverse social, recreational, community and commercial outcomes.

Due to the aged demographic of members of the community engaged in community service any increase in regulation and compliance requirements provides a further opportunity for owners, breeders and voluntary workers to cease their contribution to community activities.

Part 3: Requirements for care of animals

Division 3: Prohibited and restricted procedures

Section 22: Prohibited procedures

Section 22 (1) (e) prohibits a person from carrying out surgical artificial insemination of a dog.

Australia is geographically remote and has appropriate stringent controls over the entry of animals into the country. Breeders use the common practice of having a veterinary practitioner providing surgical artificial insemination services to enable them to access past and present genetic material of animals throughout Australia and the world to maintain, improve and protect breeds.

We have successfully used surgical artificial insemination to access stud dogs throughout Australasia and the world that has improved the genetic diversity of the breed, maintained the breed and provided a store of genetic material to protect the breed.

The prohibition of surgical artificial insemination services conducted by a veterinary practitioner will have adverse impacts on the genetic diversity, animal health outcomes and breed preservation imperatives in Australia.

Part 3: Requirements for care of animals

Division 3: Prohibited and restricted procedures

Section 23: Restricted procedures

Schedule 1 of the Draft Bill states the restricted procedures under section 23 and the exceptions allowing those procedures to be performed. The restrictions of the procedures of debarking and declaw removal on a dog refer only to the procedures being performed in circumstances prescribed by the regulations.

Dewclaw removal is a common preventative and historical practice conducted by experienced breeders and/or veterinary practitioners to mitigate the horrific injuries to the dogs forelegs during exercise, kennelling, fencing etc.

The Draft Regulations have not been provided to determine the circumstances that allow the procedure to be undertaken and the lack of disclosure of the restricted procedures impacts defeats the purpose of community consultation.

Part 7: Enforcement and compliance

Division 3: Powers to enter premises

Section 66: Powers of authorised officers to enter non-residential premises

The Bill proposes that authorised officers employed or otherwise engaged by an approved charitable organisation have powers of entry to premises without notice to the occupant.

Why does the Bill provide powers to employees or contractors of a non-Government charitable organisation to enter the premises of residents of New South Wales. The delegation of the power to enter premises to a charitable organisation is excessive and this power should be restricted to authorised officers employed by state government departments, police and Local government which have the appropriate impartiality expectations, public accountability and transparent public review processes in place.

There is no definition of “commercial” in relation to premises subject to powers under Section 66 of the Bill. The Bill needs to define “commercial” in order that the community can understand the application of the Bill to their circumstances and have this definition subject to community consultation to determine the intended and unintended impacts of the Bill.

The Draft Animal Welfare Bill 2022 process does include the related Draft Regulations that would allow the community to understand the impact the Draft Bill will have on their rights and obligations and animal welfare outcomes. Without the related Draft Regulations there is a real concern that the enacted Regulations will be inconsistent with the Draft Bill that has been the subject of community consultation.

Thank you for the opportunity to comment on the Draft Bill.

28 February 2022